§ 3025.42
matter to the Postal Service for further consideration, shall be filed not more than 20 days after the filing of the administrative record.

§ 3025.42 Due date for Postal Service response.
The statement or brief of the Postal Service, and of any other participant opposing return of the matter for further consideration, shall be filed not more than 14 days after the date for filing of petitioner’s statement.

§ 3025.43 Due date for replies to the Postal Service.
Petitioner, and any other participant seeking to have the Commission return the matter for further consideration, may file a reply to the Postal Service response not more than 10 days after the date of the Postal Service response. Replies are limited to issues discussed in the responses of the Postal Service and other participants seeking affirmation of the Postal Service determination.

PART 3030—RULES FOR COMPLAINTS

Subpart A—General
Sec.
3030.1 Applicability.
3030.2 Scope and nature of complaints.

Subpart B—Form and Manner Requirements of Initial Pleadings
3030.10 Complaint contents.
3030.11 Service.
3030.12 Pleadings filed in response to a complaint.
3030.13 Conditions for applying rate or service inquiry procedures to complaints.
3030.14 Answer contents.

Subpart C—Supplemental Information
3030.20 Sufficiency of information.
3030.21 Investigator.

Subpart D—Proceedings
3030.30 Beginning proceedings on complaints.

Subpart E—Settlement
3030.40 Policy on settlement.
3030.41 Satisfaction.

39 CFR Ch. III (7–1–12 Edition)

Subpart F—Commission Determinations and Relief
3030.50 Remedies.


SOURCE: 74 FR 16744, Apr. 10, 2009, unless otherwise noted.

Subpart A—General

§ 3030.1 Applicability.
(a) The rules in this part govern the procedure for complaints filed under 39 U.S.C. 3662 that meet the form and manner requirements of subpart B of this part. Part 3001, subpart A of this chapter, applies unless otherwise stated in this part or otherwise ordered by the Commission.

(b) Sections 3001.25 through 27 of this chapter and § 3001.33 of this chapter do not apply to this part unless and until the Commission makes a finding under § 3030.30(a)(1) that the complaint raises material issues of fact or law.

§ 3030.2 Scope and nature of complaints.
Any interested person (including a duly appointed officer of the Commission representing the interests of the general public) may file a written complaint with the Commission if that person believes that the Postal Service is not operating in conformance with:

(a) The provisions of 39 U.S.C. chapter 36, or 39 U.S.C. 101(d), 401(2), 403(c), 404a, or 601; or

(b) Any rule, order, or other regulatory requirement based on any of these statutory provisions.

Subpart B—Form and Manner Requirements of Initial Pleadings

§ 3030.10 Complaint contents.
(a) A complaint must:
(1) Set forth the facts and circumstances that give rise to the complaint;
(2) Clearly identify and explain how the Postal Service action or inaction violates applicable statutory standards or regulatory requirements including citations to the relied upon section or sections of title 39, order, regulation, or other regulatory requirements;
Postal Regulatory Commission

§ 3030.13 Conditions for applying rate or service inquiry procedures to complaints.

(a) This section applies to complaints that concern rate or service matters that are isolated incidents affecting few mail users provided that the complaint does not either:

(1) Raise unfair competition issues;

(2) Raise issues affecting a significant number of mail users;

(3) Represent a pattern, practice, or systemic issue that affects a significant number of mail users (or is reasonably likely to be evidence that such a pattern has begun); or

(4) Impact a substantial region of the nation.

(b) The Commission may in its discretion, sua sponte, attempt to resolve a complaint through the rate or service inquiry procedures of §3031.11 of this chapter if the Commission finds that there is a reasonable likelihood that

§ 3030.12 Pleadings filed in response to a complaint.

(a) Unless otherwise ordered by the Commission, the Postal Service shall file its answer to a complaint within 20 days after the complaint is filed.

(b) If appropriate, the Postal Service may file a dispositive motion or otherwise move to delay disposition of the complaint. If the Postal Service files such a motion, unless otherwise ordered by the Commission, the period of time for filing its answer is altered as follows:

(1) If the Commission denies the motion or postpones disposition, the answer is due within 10 days of the Commission’s action; or

(2) If the Commission invokes the rate or service inquiry special procedures under §3030.13 to the complaint, the answer is due contemporaneously with the Postal Service’s report under §3031.11 of this chapter if the complaint has not been resolved by that date.

(c) If the Postal Service answer is delayed by the filing of a motion under paragraph (b) of this section, it may not obtain a further delay by filing another motion under paragraph (b) of this section raising an issue or objection that was available to the Postal Service but omitted from its earlier motion.

§ 3030.11 Service.

Any person filing a complaint must simultaneously serve a copy of the complaint on the Postal Service at the following address: FRCCOMPLAINTS@usps.gov. A complaint is not deemed filed until it is served on the Postal Service. A waiver may be obtained pursuant to §3001.9(a) of this chapter.

[74 FR 54755, Oct. 23, 2009]